

NOTICE OF INDEPENDENT REVIEW DECISION

Date: July 30, 2003

RE: MDR Tracking #: M2-03-1274-01
IRO Certificate #: 5242

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ___ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by an Orthopedic Surgeon reviewer who is board certified in Orthopedic Surgery. The Orthopedic Surgeon reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for a determination prior to the referral to for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

Claimant has chronic pain and left lower extremity radiculopathy allegedly related to a work compensable injury on or about ___. Physical exam reportedly shows decreased sensation with decreased strength in her left lower extremities of 4/5 compared to the right. An MRI report dated 2/28/03 indicates minimal degenerative disc disease in lumbar spine.

Requested Service(s)

L1-S1 discography.

Decision

I concur with the insurance carrier that the requested intervention is not medically necessary.

Rationale/Basis for Decision

Claimant has a radiculopathy according to physical exam of April 17, 2003. Generally, an EMG/NCV study is an objective study that is indicated in a clinical setting where a radiculopathy has been diagnosed on physical exam, particularly in light of the minimal findings on MRI in order to objectively identify the pain generator site. The EMG/NCV study is an objective study whereas the discography procedure is a controversial test where a subjective response can be widely skewed, especially with psychological issues. In light of the standard of

care being EMG nerve conduction study, not discography; it would be reasonable to proceed with this test prior to any further invasive spinal intervention.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10** (ten) days of your receipt of this decision (20 Tex. Admin. Code 142.5(c)).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) days of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you 5 (five) days after it was mailed (28 Tex. Admin. Code 102.4(h) or 102.5(d)). A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Workers' Compensation Commission, P.O. Box 40669, Austin, Texas, 78704-0012. **A copy of this decision should be attached to the request.**

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute (Commission Rule 133.308 (t)(2)).

This decision by the IRO is deemed to be a TWCC decision and order.